

## DECLARATION FOR PATENT APPLICATION

Atty Docket 22890-XX

As the below-named inventors, I/we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to my name.  
I/We believe I/we am/are the original inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TOPICAL DRUG PREPARATIONS**

the specification of which: (check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_, as Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ 19\_\_\_\_ (if applicable).

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/we acknowledge the duty to disclose information which is material to the patentability of this application as defined by 37 CFR § 1.56.

I/we hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications:

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed) [ ] [ ]  
Yes No

I/we hereby appoint Gary M. Nath, Reg. No. 26,965; Irvin A. Lavine, Reg. No. 16,838; Karen Lee Orzechowski, Reg. No. 31,621; Andrew B. Katz, Reg. No. 34,200; Suet M. Chong, Reg. No. 38,104; Michael J. Foycik, Jr., Reg. No. 30,928; and Richard E. Campbell, Reg. No. 34,790 as my attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

Direct Telephone Calls to:

Gary M. Nath  
(202) 775-8383

Send Correspondence to:  
**NATH & ASSOCIATES**  
Suite 750  
1835 K Street, N.W.  
Washington, D.C. 20006 U.S.A.

I/we hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by 35 U.S.C. § 112, first paragraph, I/we acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/536,750 September 29, 1995 Pending  
(U.S. Application Serial No.) (U.S. Filing Date) (Status--patented, pending, abandoned)

I/we hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Alan DRIZEN

Inventor's Signature \_\_\_\_\_ Date DNC  
Residence: Ontario, Canada  
Citizenship: Canadian  
Post Office Address: 100 Canyon Avenue, Suite 1201, Downsview, Ontario, Canada M3H 5T9

Full name of second inventor: Peter ROTHBART  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: Ontario, Canada  
Citizenship: Canadian  
Post Office Address: 2475 St. Clements Avenue, Toronto, Ontario, Canada M4R 1H5

Full name of third inventor: Gary M. NATH  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: Bethesda, Maryland  
Citizenship: United States of America  
Post Office Address: 6106 Goldtree Way, Bethesda, Maryland 20817

Applicant: Alan DRIZEN et al  
Serial No. (Not Yet Assigned)

Atty Let No. 22890-XX  
Filed:

For: **TOPICAL DRUG PREPARATIONS**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(F) AND 1.27(C) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ( ) the owner of the small business concern identified below  
(x) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: LAM PHARMACEUTICALS, LLD

ADDRESS OF CONCERN: c/o SFBC, 11190 Biscayne Boulevard, Miami, Florida

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **TOPICAL DRUG PREPARATIONS** by inventor(s) Alan DRIZEN, Peter ROTHBARD, and Gary M. NATH, described in

(x) the specification filed herewith

( ) Application Serial No.

filed

( ) Patent No.

issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.278)

Full Name \_\_\_\_\_

Address \_\_\_\_\_

( ) Individual ( ) Small Business ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: \_\_\_\_\_

Gary M. Nath

Title of Person Signing \_\_\_\_\_

Official

Address of Person Signing: 6106 Goldtree Way, Bethesda, Maryland 20817

Signature \_\_\_\_\_

Date

February 6, 1997